

## REMARKS

Claims 60-65, 67-69, 134-145 are pending in the present application, of which claims 135-145 are newly presented by way of the amendments listed above. Support for the newly presented claims 135-145 can be found for example in FIGS. 12B, 13B and paragraph 0049 of the specification. As no new matter is introduced, entry of the amendments is respectfully requested.

The Examiner has rejected claims 13, 17-24, and 133 under U.S.C. 103(a). Specifically, the Examiner rejected claim 13 as being obvious over Herrington (US 5,088,971) in view of Kendall (WO 98/16430); claims 13, 17-19, 21, 22 as being obvious over Herrington in view of Kendall and further in view of Howard (US 3,986,914); claim 20 as being obvious over Herrington in view of Kendall and Howard and further in view of Bennett (US 4,507,535); claim 23 as being obvious over Herrington in view of Kendall and Howard and further in view of Andreoli (US 5,225,649); and claim 24 as being obvious over Herrington in view of Kendall and Howard and further in view of Kurihara (US 5,382,773). These rejections are considered moot in light of the cancellation of claims 13, 17-24, and 133 as set forth above. Applicant reserves the right to pursue the subject matter of claims 13, 17-24, and 133 the future applications.

Newly presented independent claim 135 recites, *inter alia*, providing a first web of material to define first bags and providing a second web of material to define second bags, a first fastener attached to said first web and a second fastener attached to said second web, cutting said first web and first fastener with a first laser beam, and cutting said second web and second fastener with a second laser beam.

In contrast, none of the prior art relied on by the Examiner discloses both first and second webs having fasteners, let alone a first laser beam for cutting said first web and fastener and a second laser beam for cutting the second web and fastener. Furthermore, none of the references cited by the Examiner discloses a method or system capable of accommodating a second web with a fastener and a second laser beam for cutting the second web and fastener. The clamps of Howard and Herrington are each configured to receive a single web with a single fastener; and neither reference discloses or suggests the use of a laser. Similarly, the apparatus of Kendall, Bennett, Andreoli, and Kurihara are each arranged to receive a single web with a laser arranged to operate in communication with the single web. It is not evident that any of Kendall, Bennett,

Andreoli, and Kurihara are capable of accommodating two webs, with a fastener attached to each web, let alone a separate laser beam for operating on each web, as claimed. Accordingly, as none of the prior art cited by the Examiner disclose or suggest all of the features as claimed, independent claim 135 is allowable.

In view of the above, Applicant respectfully submits that independent claim 135 is allowable over the prior art of record. Because independent claim 135 is allowable, claims 136-145 are also allowable at least for depending therefrom.

Furthermore, dependent claims 136-145 are further allowable for reciting additional features not disclosed by the prior art relied upon by the Examiner. For example, claims 137-140, 144, 145 recite additional features of the cutting operation on the web, and claims 141-143 recite features of a rotating hub.

The amendments and cancellation of the claims above is being made solely to expedite prosecution of the present application and do not constitute an acquiescence to any reference identified by the Examiner. Applicant submits that this patent application is now in condition for allowance, and respectfully requests a timely notice of allowance.

#### Allowable Subject Matter

In the Office Action dated March 31, 2006, the Examiner has allowed claims 60-65, 67-69, and 134; Applicant acknowledges with appreciation the allowance of these claims.

#### Formal Request for Interview

Applicant submits that the present application is in condition for allowance at least for the reasons set forth herein. If the present application is not considered to be in condition for allowance by the Examiner, Applicant requests an interview with the Examiner to discuss the present application and the prior art of record. Applicant's Attorney Daniel J. Hulseberg may be reached at telephone number (212) 408-2594 to schedule a mutually convenient date and time and to provide assistance or additional information as required.

## CONCLUSION

On the basis of the foregoing Amendments and Remarks, Applicant respectfully submits that claims 60-65, 67-69, 134-145 of the present application are allowable over the prior art of record, and are in condition for allowance. Favorable consideration and timely allowance of this application are respectfully requested.

Applicant authorizes the Commissioner to charge any fees (including fees for extra claims) and/or credit any overpayments associated with this paper to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077409.0389.

Further, if a fee is required for an extension of time under 37 C.F.R. § 1.136 not provided for above, Applicant requests such extension and authorizes the charging of the extension fee to Baker Botts L.L.P. Deposit Account No. 02-4377, Ref. No. 077409.0389.

Respectfully submitted,

6/29/2006  
Date

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